

## FARMINGTON CITY COUNCIL MEETING

May 16, 2017

### WORK SESSION

*Present: Mayor Jim Talbot; Council members John Bilton, Doug Anderson, Brett Anderson, Brigham Mellor; City Manager Dave Millheim; City Planner Eric Anderson, City Development Director David Petersen, Parks and Recreation staff Neil Miller, Sylvia Clark, Dailee Gardner, Bryan White; Police Chief Wayne Hansen, Lieutenant Parish Snyder; Building Official Eric Miller; City Recorder Holly Gadd and Recording Secretary Tarra McFadden.*

*Excused: Cory Ritz*

### Parks and Recreation Update

Staff from Parks and Recreation (**Sylvia Clark, Dailee Gardner and Bryan White**) provided an update regarding the various programs and facilities that serve Farmington residents. They also noted the special events such as the Easter Egg Hunt that the department facilitates with support from the Youth City Council and Miss Farmington royalty. Overall, recreation numbers are up for 2017. Basketball participation has grown since the Gymnasium began operating. Adult volleyball has also increased. Tackle football participation has begun to taper off related to concussion concerns, but Parks and Recreation Staff added Flag Football as an alternative. Baseball and Softball were added in the spring of 2016 and have continued this year. Staff noted that it is sometimes difficult to find coaches and teenage staff to help manage the recreation programs.

### Building Safety Month and Review of Department

Building Official **Eric Miller** asked that the Mayor declare the Month of May Building Safety Month as recognized by the International Code Council. Building Safety Month is a public awareness campaign to help individuals, families and business understand what it take to create safe and sustainable structures. **Eric Miller** provided a legislative update summarizing the following bills: House Bill 281 which would repeal, for some municipalities in the state, provisions related to building safety. The City will not be allowed to have stricter building codes than the State. House Bill 37 eliminates the requirement of foundation drains if the soils report supports such action, and would eliminate the need for arc-fault circuit interrupter protection in bedrooms, family rooms and kitchens. It also impacts the installation of passive radon controls. Senate Bill 241 standardizes plan review times across the state. Residential plan reviews must be completed in 14 days, and apartment buildings /townhouses within 21 days. This will impact work load for City staff.

### Recent Trends in the Police Department

Chief **Wayne Hansen** provided an update regarding police activities. As Station Park has gotten busier, public safety calls have increased and Police respond regarding locked keys, fraud,

shoplifting and minor traffic accidents. Responding to incidents at Park Lane Village has increased. **Wayne Hansen** noted that Station Park and Park Lane Village management and security have been very good to work with. He described a felony stop that occurred in late April as officers arrested a homicide suspect. Farmington police are handling suicidal incidents on a weekly basis. Officers have successfully negotiated with distressed persons before medical responders can attend and transport the person to the hospital for additional support and evaluation. Officers respond to deaths, sometimes related to overdoses. Cabela's was experiencing theft of very expensive equipment. In response, Farmington Police have conducted walkthroughs with uniformed officers and often spend down time in the parking lot completing paperwork. Shoplifting reports have since decreased.

### **REGULAR SESSION**

*Present: Mayor Jim Talbot; Council members John Bilton, Doug Anderson, Brett Anderson, Brigham Mellor; City Manager Dave Millheim; City Planner Eric Anderson, City Development Director David Petersen; Police Chief Wayne Hansen, Lieutenant Parish Snyder; Building Official Eric Miller; City Recorder Holly Gadd and Recording Secretary Tarra McFadden.*

*Excused: Cory Ritz*

### **CALL TO ORDER:**

Mayor **Jim Talbot** called the meeting to order at 7:05 p.m.

### **Roll Call (Opening Comments/Invocation/Pledge of Allegiance)**

The invocation was offered by **Councilmember Brett Anderson** and the Pledge of Allegiance was led by **William Manwaring** of Boy Scout Troop 300.

### **PRESENTATION:**

Mayor **Jim Talbot** declared May as Building Safety Month as observed by International Code Council.

### **PUBLIC HEARING:**

#### **General Plan Amendment Adopting the North Station Small Area Master Plan**

**David Petersen** provided some background information about the 220+ acres of property north of Shepard Creek, west of the UP tracks, east of the D&RG trail, and south of Shepard Lane. Staff have received many inquiries about keeping the area as open space. The 1994 General Land Use plan zoned the area as small commercial. This was not a sustainable plan. North of Shepard Creek has been zoned OMU since 2007 and as property owners have rights, the City cannot downzone to open space. Property owners have a right to develop, and this action to approve a Small Area Master Plan will guide development consistent with the idea of Farmington as a

unique gathering place. The Planning Charrette conducted by UDA involved 19 property owners to produce a conceptual master plan. The plan is to allow for mixed use that would include office space, commercial ventures and residential areas. The plan promotes a stable daytime population to maintain surrounding retail. **David Petersen** recommended that the Council adopt the Small Area Master Plan as an element of general land use plan to help guide development.

***Mayor Jim Talbot opened the Public Hearing at 7:33 pm.***

**Corey Price**, 864 North McKittrick Lane, expressed concern that stakeholders (large property owners) were invited to participate in the planning exercise, but not neighboring residents. He noted that the letter mentions a buffer by placing lower intensity development to the west, but he does not see an area as described in the plans. **Corey Price** provided information about landslide characteristics of Davis County as compiled by UGS. As a structural engineer, he is concerned about liquefaction induced landslides that would cause the area in question to re-liquefy in aftershocks and possible float utilities to the surface.

**Bryce Crowley**, 1743 West Spring Meadow Lane, asked that the Council vote against adopting the Small Area Master Plan as part of general master plan. He noted that he moved his chiropractic clinic from Centerville because of traffic congestion related to Walmart and the movie theater. He expressed concern about drainage around the property in question and the plan to manage water in the area. He reaffirmed his desire for the space to remain open as it is a unique characteristic of Farmington that he relocated to live close to.

**Annette Crowley**, 1743 West Spring Meadow Lane, agreed with previous citizen comments. She appreciates that trails in Farmington and is concerned about trail crossings, noting that Clark Lane is difficult for cyclists to cross. She stated that she supports less than more relative to building and its impact on the environment. She works downtown, but lives in Farmington to be near open space. **Annette Crowley** asked that the Council be good stewards and not fill every area with development. She also noted that she did not see height restrictions for buildings and is concerned about the loss of views.

**Ken Stuart**, 1305 North 1700 W, Woods Cross, identified himself as a general contractor developing 90 acres with Chartwell. He wanted to address the concern of residential being the low-hanging fruit, noting that in the development design residential areas will be the buffer for the office space. There are areas of the property that are not conducive to office space or retail because of poor visibility from the freeway and poor access. With demonstrable demand, housing will be the most profitable use for these areas. He supports the idea of mixed commercial use as part of the development.

**Stanton Davis**, 862 West 500 South, shared that he loves Farmington and argued that the Council is facing a problem like New York City did in the 1850s. New York City had 800 acres that they committed as Central Park rather than capitalizing on in demand real estate. This has allowed New York to maintain the space as a resource for residents. Similarly, he hopes that Council will keep residents in mind when making development decisions. He noted that Farmington is playing catch up with infrastructure due to population growth and does not want to see the city become overdeveloped as it would negatively impact current residents.

**Mayor Jim Talbot closed the Public Hearing at 7:53 pm.** He asked the Council to provide any comments or questions before proceeding with any motions.

Councilmember **John Bilton** credited the city for working with developers and planners to hold public meetings and work with property owners to shape development of the area. He noted that the City worked to move the WDC from aligning with the D&RG trail to west of the City. He noted that the Shepard Lane interchange alignment is unknown and will impact development. He supports the Small Area Master Plan and the consideration to put more density along I-15 and away from existing residential.

Councilmember **Doug Anderson** shared support for open space, but noted that the Small Area Master Plan is the culmination of many years of work with a lot of stakeholder collaboration. He said that by continuing to work together on a traffic plan and other details, he has faith that the process will deliver a result as good as the picture. This will keep the current “feel” of Farmington with trails and gathering places.

Councilmember **Brett Anderson** stated that the Council’s action is a good way to impact property that is already zoned. The City can communicate a vision of what it wants. Looking at the City budget and population growth, commercial development is needed to keep the City stable.

Councilmember **Brigham Mellor** noted that storm water mitigation will be considered as development occurs. He noted that the city is committed to building safe buildings and continuing to engage in planning exercises to mitigate traffic, water and utility issues. He argued that the Central Park example is not applicable to Farmington, because the land in question is owned by private property holders, not the City. As long as office space and residential development occurs in balance with use and market demand, he supports adoption of the Small Area Master Plan.

Mayor **Jim Talbot** appreciated citizen comments, and described the unique position Farmington has been in with rapid growth. In 2006, Station Park seemed like a crazy idea, but it is flourishing and being enjoyed by residents and non-residents alike. Cities are required to make tough decisions that balance growth with the desires of current residents.

City Planner **Eric Anderson** noted that the Planning Commission recommended the removal of Exhibit A from approval as it includes a page specifying uses which is more appropriate for a Zoning Ordinance approval.

***Motion:***

**John Bilton** moved to amend the General Plan adopting the North Station Small Area Master Plan as described in the staff report as an element of its General Plan, subject to all applicable Farmington City ordinances and with the exclusion of Exhibit A. **Brigham Mellor** seconded the motion which was approved unanimously.

### Findings for Approval

1. The proposed North Station Small Area Master Plan was completed through a design charrette involving unanimous stakeholder consensus.
2. The stakeholders included the majority of property owners within the project area, neighboring property owners to the project area, the City, the County, and Chartwell Capital.
3. The Planning Commission has held a public hearing on multiple recommendations from the North Station Small Area Master Plan, including removing the large footprint building provision, and amending the regulating plan and related block size, and the City Council approved the requested modifications to Chapter 18 of the Zoning Ordinance.
4. The proposed North Station Small Area Master Plan is consistent with the stated intent and purpose of the Farmington City General Plan and Zoning Ordinance for this district; including a fine grained mix of uses such as office, retail, and residential, an emphasis on bringing activity to the street and enhancing walkability, placing parking to the rear of buildings, creating public spaces and nodes, enhancing open space and connectivity, providing a live/work/play environment, and providing a diverse employment base for the City and County.
5. The proposed North Station Small Area Master Plan has a good balance of residential and retail that will support the primary office use, which is the overarching intent of the OMU zone.
6. The North Station Small Area Master Plan proposes a nuanced continuum of development intensity with lower intensity development to the west, higher intensity development in the middle and along major roads, and commercial along the freeway and arterial roads, such as Shepard Lane, Burke Lane, and 1100 West. The continuum of development intensity provides a buffer between existing residential neighborhoods to the west, and places the highest intensity development near the future Shepard Lane interchange and 1-15 to the east.
7. The fine-grained mixture of uses proposed in the North Station Small Area Master Plan creates an office park that is unique to the State of Utah and will create a vibrant employment base for Davis County that fosters a live/work/play environment.
8. The proposed North Station Small Area Master Plan will help to diversify and balance the City's tax structure through expanding its commercial property tax base, instead of relying too heavily on residential property and commercial sales tax.
9. The proposed North Station Small Area Master Plan does not grant vesting to any property owners within the project area; rather, it is a guiding document that will inform the development of the mixed-use employment district into the future.

### Miscellaneous Zoning Ordinance Amendments

**Eric Anderson** outlined a number of proposed amendments to current zoning ordinances. These require updates to redefine secondary dwelling units, maintain compliance with Fair Housing laws and Americans with Disabilities Act, allow for financial institutions to have drive-up windows, designate the storm water official as the flood plain administrator, allow for

parking reductions to be approved by the Planning Commission, amend the Regulating Plan to conform to the recommendations of the UDA charrette, and increase the block sizes as found in Section 11-18-040 of the Zoning Ordinance.

***Mayor Jim Talbot opened the public hearing at 9:01 p.m.; with no one signed up to address the Council on the issue, he immediately closed the public hearing.***

Public hearing at 9:01pm, close public hearing

**John Bilton** thanked the staff for their work in cleaning up elements of the code.

***Motion:***

**John Bilton** moved to approve the amendments to the zoning ordinance as set forth in the May 16, 2017 staff report and the enclosed enabling ordinance related thereto including Findings a-i, with the exception in the background section C should read “drive up window/drop off lane allowed only with special exception review by the planning commission as set forth in Section 11-3-045 of this title, as to use only and not fixed dimensional standards”. **Doug Anderson** provided a second to the motion which was approved unanimously.

**Findings for Approval:**

- a. The intent of the secondary dwelling unit was to be similar to that of the accessory dwelling unit, which requires that the owner live on-site; this text amendment is bringing the ordinance into consistency with its original intent. The zone text amendment will also ensure that single family residential zones do not become proliferated with absentee apartment owners.
- b. Moving residential facilities for the disabled from a conditional use to a permitted use, in all zones where single family residential are permitted uses, will bring the Zoning Ordinance into compliance with federal law, specifically the Fair Housing and American with Disabilities Acts.
- c. Financial institutions are a desirable use in the mixed-use district, as they provide a necessary service, and are low-impact. In order to meet the needs of their clientele, financial institutions require drive-thru windows to function.  
Amending the use table in Chapter 18 allows for this type of use to realistically thrive in the mixed-use district. Additionally, moving the drive-thru windows for financial institutions to special exceptions instead of special use review provides a clear, established, and well-defined mechanism for Planning Commission review. Through the special exception review process, the City still has a degree of oversight in deciding where drive-thru windows are compatible with the intent of the mixed use district and where they are not.
- d. Currently the mixed use zones are not defined under the wireless facility use table; staff has always interpreted these zones as falling under the C zone designation. This zone text amendment explicitly designates the mixed use zones independently of the C zone, and is context sensitive to the intent of the mixed use zones.

- e. Secondary dwelling units are currently relegated to the OTR zone and the vesting granted through the conditional use permit are limited to the current property owner; this amendment updates the ordinance bringing it into conformity with the rest of Title 11 where secondary dwelling units are allowed as conditional uses.
- f. The storm water official already does the majority of the work of the flood plain official; this amendment is codifying an already existing duty, and streamlining the flood plain approval process.
- g. Having to go through a variance approval process by the Board of Adjustments for a parking reduction as currently constituted by Chapter 32 is onerous, particularly when the request is not a variance. Decisions about reductions of parking requirement should be made by the Planning Commission on a case-by- case basis when reviewing a site plan and/or conditional use permit application.
- h. Amending the Regulating Plan and related block size prior to Project Master Plan gives the applicant confidence in their PMP moving forward without granting full approval and vesting to the project. The regulating plan and related block size amendments are consistent with Chartwell Capital's PMP application, which is currently under review by the City.
- i. The Regulating Plan and related block size amendments are consistent with the intent of the OMU zone, and will allow for more efficient use of the interior of the blocks and will allow future redevelopment as economic and market pressures put demands on properties for in-fill development. Independent of Chartwell's PMP, staff would be recommending the zone text amendments as they are consistent with the intent of the OMU zone and are highly desirable because of the increase in efficient usage of the land and increased walkability for the district as a whole.

#### **SUMMARY ACTION:**

- 1. Approval of Minutes from May 2, 2017
- 2. Plat Amendment for Villa Susanna PUD Subdivision
- 3. Vote Centers for Upcoming Election

#### ***Motion:***

**Brett Anderson** moved, with a second from **Doug Anderson** to approve summary action items 1-3 as contained in the staff report.

The motion was approved unanimously.

#### **OLD BUSINESS:**

#### **Eagle Cove Transfer of Development Rights Valuation for property located on the NW Corner of Clovers Lane and 1100 West**

**Dave Millheim** referred Councilmembers to the staff report and noted that every TDR is uniquely situated to its own formula. The developer has provided multiple bids and project cost

information which was used to determine the valuation recommendation and the developer is prepared to pay immediately after Council approval.

***Motion:***

**Brigham Mellor** moved, with a second from **Doug Anderson**, to approve the valuation and sale of thirteen (13) City Transfer of Development Rights (TDR's) to the Eagle Cove subdivision located on the NW corner of Glovers Lane and 1100 West in the amount of \$235,000. Payment to be received by the City within 30 days or said approval will be considered void.

The motion was approved unanimously.

**Water Tank Property Approval with Jerry Preston**

**Dave Millheim** reviewed information regarding the purchase of additional property complete the water tank and have it remain off of BLM and Forest Service property.

***Motion:***

**Brett Anderson** moved to approve the additional property for the water tank under option number 2 with a land acquisition price as demonstrated in the staff report of \$16,198.35 payable to Elite Craft Homes.

**Doug Anderson** seconded the motion which was approved unanimously.

**GOVERNING BODY REPORTS:**

**City Manager Report**

**Dave Millheim** noted that the Police and Fire activity report is included in the staff report.

The engineering firm working with Symphony Homes made a mistake with the location of a road in Pheasant Hollow. Staff have met with the engineer and Symphony Homes and determined the value of lots and related square footage and agreed to remediation in the amount of \$15,000. The engineering firm will pay the City to accommodate the mistake. Staff will bring the recommendation forward for approval in a future Council meeting.

The County approved a Car Show at Legacy Event Center without addressing the concerns expressed by Farmington City. The Mayor asked Holly Gadd to set up a meeting with him, **Dave Millheim**, Chief Hansen, **Doug Anderson** and **Brett Anderson** to respond to concerns related to the event.

**Dave Millheim** shared that County Commission has prepared an RFP for consultant services to analyze how Public Safety services are being delivered in Davis County. The County Commission want to look at how cities are doing it. The City is concerned about whether this is an honest attempt to qualify costs or merely shift costs to the City.



## **Mayor Talbot & City Council Reports**

### **Councilmember Doug Anderson**

**Doug Anderson** stated that he had questions from residents who have shared concern about the overgrowth of Station Park and the loss of Sports Authority, Gordman's, and The Gym.

Mayor **Jim Talbot** clarified that the loss of Sports Authority and Gordman's were not location specific, but related to bankruptcy action on the part of the national chain. Leases are in the works for the Sports Authority space and Pluralsight is buying The Gym as a benefit to its employees.

### **Councilmember Brett Anderson**

No updates to report.

### **Councilmember Brigham Mellor**

No updates to report.

### **Councilmember John Bilton**

**John Bilton** asked for an update on the Allie Rose home. **Dave Millheim** noted that legal descriptions are to be completed by UDOT by Wednesday, May 17.

### **Mayor Jim Talbot**

No updates to report.

## **ADJOURNMENT**

### ***Motion:***

At 9:35 p.m., **John Bilton** moved to adjourn the meeting.

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Holly Gadd, City Recorder

**Posted 06/07/2017**